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Muslims in Post-Independence India

Steven I. Wilkinson

Many observers think that the outlook for India's 13 percent Muslim minority is bleak. The Congress Party, the post-independence guarantor of secularism and minority rights, has been losing power in India's state assemblies since the 1960s, to a host of different ethnic and regional parties. In the late 1980s and 1990s, the party's grip on power at the national level was shaken by two different political movements: one based around middle-caste and lower-caste interests, and the other around an aggressively anti-minority Hindu nationalism. In the 1999 parliamentary (Lok Sabha) elections, one of these movements, in the shape of the Hindu nationalist Bharatiya Janata Party (BJP), finally won enough seats to form a stable coalition in New Delhi. After 1999, the BJP-led government of the National Democratic Alliance (NDA) took steps to Hinduize the education system (the leading hawk, Murli Manohar Joshi, headed the Ministry of Human Resources Development) and various cultural bodies, and it raised the sensitive issue of whether to abolish Muslims' right to separate personal laws. Although the Congress Party unexpectedly won just enough seats in the 2004 elections to enable it to form a national coalition, this victory was a long way from restoring the party to national dominance. Congress's 2007 state election losses have thrown into question the party's prospects of retaining power at the national level.[1]

In economic terms, Muslims still remain one of the poorest communities in India, backward on almost every measure, with

minimal representation in the national civil service and armed forces, and poor health outcomes, levels of educational attainment, and levels of income and employment. The recommendations of the new Congress Party government's Sachar Commission on the Status of Muslims, appointed in 2004 to examine steps to improve the community's welfare, are likely to have little effect on improving these outcomes, given that much of the constitutional power on minority issues rests with the states. Finally, since the late 1980s, the Hindu right has precipitated several major episodes of Hindu-Muslim violence, throughout the whole country during the Ayodhya campaign of 1989–1992 and the violence that followed the destruction of the Babri Masjid in December 1992, and more recently from February to April 2002 in the important western state of Gujarat. In the December 1992–January 1993 violence, more than a thousand people were killed, many thousands injured, and over a hundred thousand were forced to flee their homes. In the 2002 violence in Gujarat, more than a thousand people were killed, including, symbolically, retired Muslim Member of Parliament Ehsan Jaffrey, murdered after his many phone calls for help were ignored by the local police.

In this chapter, while trying not to minimize the level of discrimination and violence that Muslims still face in India, I take a more optimistic view of the community's future. In the first section, I point out that things were never quite as good for Muslims during the golden era of Congress Party secularism as many believed. The "Congress system" may have had the impeccably secular Nehru at the top from 1947 to 1964, but many of the Congress Party state leaders, who had the constitutional authority to implement minority protections, viewed Muslims as either a disloyal and nondeserving minority or at least as less deserving of state patronage than their own (Hindu) political supporters. It is true, however, that there have been many negative developments since the late 1980s, and I lay these out in the second section: several waves of anti-Muslim political mobilization and violence, the communalization of some parts of the administration and police, and terrorist attacks both inside and outside India, which have been used as the pretext for state repression that has primarily been directed against Muslims. Finally, as some Muslims in Kashmir and elsewhere have despaired of their opportunities within India, they have been attracted to militant or terrorist organizations, whose violent attacks on Hindu targets further intensify a cycle of violence and repression.

Despite these problems, however, the general prospects for Muslims in contemporary India are much less bleak than is often portrayed. In particular, as I show in the third section, the increase in political competition and electoral volatility in many states in the 1980s and 1990s has given Muslims an increasingly important role as a pivotal swing vote. Middle-caste and lower-caste

parties and several important regional parties (such as the Telegu Desam Party (TDP) in Andhra Pradesh) have offered Muslims state protection from riots, increased development spending, and access to job and education reservations in order to win their electoral support. There are certainly problems, but the overall picture is one in which we can expect increasing electoral competition in the states and New Delhi to reduce conflict and tensions over the long run, as well as improve Muslims' economic opportunities.

Why the Congress Era Wasn't a Golden Age

The conventional view is that under Prime Minister Jawaharlal Nehru, post-independence India provided a secure and welcoming home for all India's minorities, especially the Muslims. Muslims were proportionately represented in the dominant Congress Party, and a variety of constitutional provisions ensured their freedom from employment discrimination, as well as freedom of religion, freedom of speech, the right to educate their children in religious schools, and separate personal laws.[2]

This portrayal of the post-partition reality, however, is much too rosy, largely because it focuses on formal constitutional and legal protections rather than how they were implemented (poorly) and because it focuses on the national Congress leadership (mostly secular) rather than on those state level leaders who, under the 1950 constitution, actually had responsibility for most issues that affected Muslims: education, language policy, agriculture, police, and state employment.[3] In reality, Muslims suffered significant discrimination in education, employment, housing politics, and access to capital, as well as their dealings with state officials.[4] This discrimination was due partly to the fact that Muslims were seen as the disloyal minority that had caused partition and partly to the fact that Muslims, most of whom had supported the Muslim League before independence, had little influence with the Congress Party politicians who now controlled all the levers of state patronage.[5] In consequence, Muslims found it difficult to get jobs or promotions in the state civil services and police forces, along with government contracts and bank loans.[6] Muslim *zamindars* (landlords), because of their post-1947 lack of influence in politics and the administration, also found it more difficult than their Hindu peers to avoid the full force of the land reforms that were introduced into many states in the early 1950s.

Iqbal Masud, who entered the Indian Revenue Service in 1947, describes vividly in his memoirs how most of the officials he encountered took the attitude that "[Muslims] . . . asked for Pakistan. Now let them go there and leave the

jobs to Hindus."[7] Muslims in northern and western India found that their command of the Urdu language and Perso-Arabic script, which had once given them an edge in recruitment for the police and civil service, was now a distinct disadvantage, as state and local governments now insisted that their employees be able to write in a highly Sanskritized form of Hindi. In October 1947, for instance, the town of Bareilly threatened its employees who used Urdu with the loss of their jobs unless they conducted all business in Hindi within six months.[8] In the autumn of 1947, the provincial United Provinces and Central Provinces governments followed suit, over Gandhi's objections, and forced their employees to conduct government business only in Hindi and the Nagari script.[9] Muslim legislators who complained that these measures broke Congress's promises to the minorities were told that the Muslims, by causing partition, had canceled these pledges.[10] When the Muslim League members in Uttar Pradesh lost the vote on the introduction of a Hindi-only policy in the province, they walked out in protest, to the sounds of Congress Party legislators calling out, "Don't come back; go to Pakistan."[11]

The post-independence discrimination against the Muslim middle and upper classes and the lack of Muslim access to government patronage had several practical effects. For one thing, it meant that the flow of Muslims out of India to Pakistan continued well into the 1950s, as much of what was left of the Muslim middle class and upper middle class decided that the opportunities in Bombay or Lucknow were very poor compared with those that awaited them in Karachi or Lahore.[12] Fully half a million Muslims, for instance, left India for West Pakistan between January 1950 and February 1952.[13] For another, Muslim influence in politics and government administration declined rapidly. At the center, the few token Muslims were kept away from the major ministerial positions such as Home, Defence, and Foreign Affairs and were appointed to less important areas such as Education (a state subject) or Science and Cultural Affairs.[14] In the states, the same general rule applied: Muslims were kept away from important state ministries such as Education and Home Affairs. The Muslim home minister of India's most populous state, Uttar Pradesh, for instance, was kicked upstairs to an unimportant central government ministry in 1947 because some Hindu politicians protested that it was dangerous to have a Muslim in such a sensitive law and order position.[15] Muslim ministers at the center were also warned by the Congress High Command not to "interfere" in Muslim issues in the states.

In government administration, Muslim employment declined precipitously in the late 1940s and 1950s. Muslims had been 24 percent of the officer corps and 32 percent of the troops in the pre-partition army, but the transfer of Muslim regiments and most Muslim officers to Pakistan and the nonrecruitment of

Muslims to new positions reduced these percentages to less than 1 percent by the 1950s.[16] The vast majority of Muslim officers from the elite Indian Civil Service (ca. 25 percent Muslim in 1947) also either transferred to Pakistan or had retired by the 1950s. Data collected in the 1960s, 1970s, and 1980s showed that Muslim representation in central government employment was rarely more than 2 or 3 percent.[17] In central services that were regarded as "sensitive," there was a tacit ban on Muslims: even as late as the mid 1990s, there was no Muslim serving in India's equivalent of the FBI and CIA, the Research and Analysis Wing (RAW).[18]

In most states, it was a similar story, with the partial exception of the south. Muslims already employed were kept away from positions that were regarded as "sensitive" and were generally not recruited for new jobs.[19] When the Hindu police minister of India's most populous state expressed reservations about his mixed police force's loyalty in 1947 and announced that he was going to recruit a new, "absolutely loyal," paramilitary force, everyone understood that this meant the force would recruit only Hindus.[20] Discrimination within India, the decline in Muslims' economic fortunes after partition (which reduced the supply of educated youth who could pass the service exams), and the positive attraction of job opportunities in Pakistan all served to sharply reduce Muslim influence in administration.[21] Muslims had been 50 percent of the police force in Uttar Pradesh in 1947, but emigration and the fact that few Muslims were hired after independence reduced this to fewer than 10 percent a decade later; in Bihar, where Muslim representation in government service had been 25–33 percent prior to 1947, it was less than 6 percent by 1960.[22]

Economically, too, the situation for Muslims in post-independence India was far from good. National sample survey data consistently showed that Muslims were more likely than Hindus to be poor and have intermittent and unpredictable earnings, and that almost half of Muslims live below the (low) Indian poverty line, compared with around a third of the overall population.[23] Their lack of access to state patronage was the most critical factor, preventing them from improving their economic prospects in the same way as the more politically powerful Hindu middle and lower castes. Data collected in the early 1980s suggest that Muslims were consistently at the back of the queue when state jobs, grants, and development programs were being handed out: for example, Muslims had only 2–3 percent of senior positions in state corporations (a real problem when most of the growth from the 1950s to the 1980s had been in state employment), and Muslims received less than 3 percent of the subsidized housing and loans provided by Indian states.[24] Contributing to these poor outcomes, of course, was the poor quality of the education Muslims received in

the state sector (most Muslims cannot afford the better-quality private schools) or in the madrasas, where the curricula have not adapted to needs of changing labor markets. This poor educational preparation means that only a minority of Muslims is qualified to sit the exams for public employment: only 2.59 percent of those who took the elite Indian Administrative Service exams in the 1980s were Muslim.[25] And outside the highly transparent examination process for the central civil service cadres (where, according to the Sachar Committee, Muslims actually do a little better than average in securing employment), there are continuing concerns that Muslims are discriminated against in recruitment procedures where individual officers have a wide degree of discretion in whom to hire.

Recent Problems

Even if we acknowledge that the period from independence to the mid 1970s hardly constituted a golden age, it is nonetheless true that there have been several major threats to majority-minority relations since the early 1980s: a major dispute over the status of Muslim personal laws; the massive Hindu nationalist mobilizations that led to BJP state governments coming to power in the early 1990s and then, in 1999, to a Hindu nationalist-led coalition in New Delhi; a sharp rise in Hindu-Muslim violence, often facilitated by these Hindu nationalist state governments; and partly in response to these other three factors, a rise in Muslim militancy, with a very small minority of alienated Muslims now participating in terrorist activity within India.

First, in 1984, the Indian Supreme Court opened up the issue of Muslim personal laws in a controversial manner, when it ruled that a divorced Muslim woman then in her seventies, Shah Bano, was entitled to financial support from her ex-husband under section 125 of the Indian legal code, even though he claimed he had fulfilled his obligations to her under Islamic law. The judgment—in which the Hindu justices alienated many Muslims by interpreting the *Shariat* and also expressed their hope that the anomalous survival of a separate Muslim personal law would be ended—opened up the whole question of whether a separate Muslim civil code should even exist. Shah Bano herself was a highly sympathetic plaintiff, and the overwhelming majority of Hindu opinion, as well as many liberal Muslims, supported her case.[26] Leading political and religious figures from the Muslim community, however, were overwhelmingly opposed to the Supreme Court's judgment, and they mobilized in protest against the ruling Congress Party. After losing several key by-elections in seats in which Muslims were a large share of the electorate, Congress Prime Minister

Rajiv Gandhi decided to satisfy Muslim conservatives and allow passage of a bill—the "Muslim Women (Protection of Rights on Divorce) Act, 1986"—which largely entrenched the legal position of Muslim personal law and made clear that, on matters such as divorce, Muslim law took precedence over the Indian civil code.

Having infuriated many Hindus with this action, which was widely interpreted as "minority vote bank politics," Rajiv Gandhi then tried to recover his standing with Hindus by throwing the Hindu right what would prove to be a very dangerous bone: he allowed the question of the "disputed" religious site at Ayodhya in Uttar Pradesh, which had been closed since Hindus had installed a religious statue in the Babri Masjid in 1949, to be reopened. Over the next eight years, the Hindu nationalist BJP and its allied organizations in the Hindu nationalist "family" masterfully exploited the Babri Masjid issue, solidifying Hindu opinion behind the party by claiming that the mosque stood on the site of the Ram Janmbhoomi (Lord Ram's birthplace) and that the Muslims were being unreasonable by not giving up the "disused" mosque. From 1989 to 1991, Hindu nationalists carried out a succession of semireligious processions throughout India to try to mobilize support for the building of a temple to Lord Ram on the site of the mosque. In 1992, several years of violent mobilization culminated in the destruction of the mosque by tens of thousands of militants. The Indian state was highly complicit in this destruction, which sparked off a month of rioting throughout India in which perhaps 2,000 people were killed. The BJP government in Uttar Pradesh allegedly ordered its police forces surrounding the Babri Masjid to stand back while the Hindu militant *kar sevaks* (volunteers) demolished the mosque. But in a larger sense, the responsibility for the destruction was the Congress Party central government's, because it had accepted the BJP leadership's highly questionable promises to protect the site and refused to order the federal troops and paramilitary forces located near the mosque to prevent its destruction if the state forces failed to do their duty. This Congress procrastination was the direct outcome of two factors. First, the Congress Party leadership recognized that many Hindus were broadly sympathetic to the Hindu right's position on Ayodhya (see below). Second, the party headed a weak coalition government, which was reluctant to do anything that might lead to a shift in Hindu voters' support away from the party. Throughout the 1990s and early 2000s, these two factors led to the Congress Party's treading a shaky and increasingly problematic line: on the one hand, trying to prevent anti-Muslim mobilization and violence, while, on the other hand, trying not to position itself in the Hindu electorate's mind as "pro-Muslim" on issues such as whether a temple should be built at Ayodhya or whether there should be a unified civil code.[27]

Successive anti-Muslim mobilizations were clearly a highly effective short-term electoral tactic for the Hindu right, helping the party win control of four state governments in the early 1990s, then other major states (such as Gujarat and Maharashtra later in the decade). In 1999, the BJP won sufficient votes in parliamentary elections to let it form a coalition government in New Delhi. Although it initially appeared as if the price the BJP would have to pay to form this coalition would be to moderate its stance on divisive majority-minority issues, it had a greater flexibility to pursue a pro-Hindu line than many anticipated. In particular, hard-line Hindu nationalist Murli Manohar Joshi was put in charge of the Ministry of Human Resources, where he pursued an aggressive campaign to Hinduize schools and higher educational and research institutions—for example, by emphasizing in new versions of secondary and junior school textbooks the facts of India's Hindu heritage and the dangers posed to India over the years from Muslim "invaders."

In the states, Hindu nationalist governments have also tried to Hinduize their administrations—for example, by allowing police officers to display religious imagery on their vehicles or in their offices, and (in Gujarat) by removing the ban on state officials joining Hindu nationalist organizations. Most dangerously, the government in Gujarat, in an effort to solidify the Hindu vote in advance of state elections, facilitated a massive anti-Muslim pogrom in February–April 2002, in which perhaps a thousand people were murdered and tens of thousands had their property destroyed and were forced to flee.

The disputes over Hindu personal law, the growing role of Hindutva (Hinduness) in administration and politics, and several anti-Muslim pogroms together have created a deep sense of despair among some Muslims, at least before the 2004 victory of the Congress coalition in New Delhi, and they have pushed a very small minority of alienated Muslims to violence. (Of course, this is not the only reason for Muslim militancy in India.) In the aftermath of the anti-Muslim pogrom in Bombay in 1992–1993, Muslims in the Bombay underworld organized several major bomb blasts targeted at the Hindu-controlled financial sector, including a major explosion at the Bombay Stock Exchange. Since then, a very small minority of young and often well educated Muslims have been drawn to an assortment of militant organizations that claim to defend Muslim interests in the absence of state protection. The largest is the Students Islamic Movement of India (SIMI), a wing of the Jamaat-e-Islami, with around 400 active members and 20,000 *ikhwans* (students). This group was banned after several bomb blasts in Bombay in 2002, and its leaders are either under arrest or in hiding. Another group, the Gujarat Revenge Group, was formed specifically to extract revenge after the 2002 violence. Several of the major Kashmiri separatist organizations such as Lashkar-e-Toiba and

Jaish-e-Mohammad are also reported to have links with Muslim militants in cities such as Mumbai and Delhi, and to have assisted them in bomb attacks.[28]

The several major terrorist attacks launched by these movements beginning in 2000—including attacks on major railway and bus stations, symbolic sites such as the Red Fort in Delhi and the Gateway of India in Bombay, and a major attack on the Indian Parliament itself in December 2001—have killed more than a hundred people in all and have increased the perception among many ordinary Hindus that they are under threat from Muslims. The Hindu nationalist government in Delhi used the September 11 terrorist attacks in the United States, as well as the heightened violence in India, to push through some draconian anti-terrorist legislation in March 2002, the Prevention of Terrorism Act (POTA), which allowed—until its repeal by Congress in late 2004—extended detention without trial on the basis of often flimsy evidence. This act was directed almost exclusively against Muslims, despite the fact that Hindus were also involved in attacks on Muslims. After several years of having to defend its anti-minority policies against international criticism, the BJP government now took the public position that the West was now waking up to a problem that it had long recognized. The United States, in particular, seemed to regard India as a key ally in its global "war on terror," and there was no public criticism from the United States of the Indian government's mass roundups of Muslims between 2001 and 2004 under POTA.

Many secular academics place all the blame for the Hindu nationalist mobilizations and violence since the late 1980s on Hindu nationalists who have deliberately stirred up conflicts. My own work has explored the ways in which violence against Muslims has often deliberately been fomented for electoral purposes, so I am certainly not going to dispute the fact that much of the anti-Muslim campaign has been engineered by politicians. But despite this, academics often downplay the fact that these political campaigns would not succeed were it not for the fact that, at some level, many Hindus still regard Muslims with some suspicion: as a coddled, potentially disloyal, and militant minority that should be "nationalized" for its own good and the good of the nation. This is notwithstanding the recognition given by all Indians to a few exemplary and high-achieving Muslims: for instance, nuclear scientist (and president of India from 2002 to 2007) A. J. Kalam; Bollywood film stars Shahrukh Khan and Aamir Khan; information technology and outsourcing tycoon Azim Premji; and sportsmen such as cricket stars Mohammad Azharuddin and Wasim Jaffer. These negative perceptions of Muslims have their roots, of course, in the partition period, but they have been strengthened in recent decades by the conflict with Pakistan, international coverage of Islamist movements, and conflicts over such issues as the survival of Muslim personal laws (Hindu personal

laws were integrated into the general civil code in the 1950s) or the Ayodhya issue.

A 1993 poll (table 8.1) revealed many of these dangerous fault lines. Although it was conducted in the aftermath of the destruction of the Babri Masjid (and therefore probably exaggerates the extent of negative Hindu views about Muslims), the basic findings are generally consistent with other surveys: a solid majority of Hindus believe that separate Muslim personal laws are divisive and contrary to national integration (78 percent opposed in 1993), that Muslim leaders are generally fundamentalist extremists, and that Muslims are somehow less committed to India as a nation than Hindus.

In the 1990s and 2000s, this general mistrust has been entrenched by the long insurgency in Kashmir, the actions of Islamists in nearby Afghanistan and Pakistan, the international discourse since 2001 of the "war on terror," and the more recent terrorist attacks and arrests of Muslim in India. All these developments have helped the BJP central government make its case that the Muslim minority is a "problem" and that the community needs to be integrated, forcibly if necessary, into the Indian mainstream. As Acharya Giriraj Kishore, a prominent Hindu nationalist leader, puts it: "If Muslims want to buy peace and social harmony, they have to respect the sentiments of the Hindus."[29]

TABLE 8.1. Opinion Poll of Hindus' Views on Muslims, 1993

Statement	% in Agreement
Until a uniform civil code is established, there will never be national integration.	78
Violence is not the way to settle matters between Hindus and Muslims.	74
Indian Muslims consider themselves Muslims first and Indians later.	64
The Muslim population is growing at a much faster rate than the Hindu population.	58
Muslims must reject their fundamentalist leaders.	58
Muslims believe that all non-Muslims are their enemies.	53
Muslims are fine craftsmen and skilled artisans, without whom our arts and crafts would suffer.	51
The underworld is controlled by Muslims.	49
The Muslims were justified in reacting angrily to the demolition of the Ayodhya mosque.	44
Hindu and Muslim cultures are so different that they cannot really live together.	28
Muslims should not be allowed in the armed forces.	20
Hindus should not employ Muslims in their businesses or homes.	13

Source: MARG opinion poll of 481 Hindus, conducted February 1993 in Bombay. Reported in "India's Muslims Fear New Physical Threat: Militant Hindu Nationalism, Discrimination Solidify Group's Sense of Alienation," *Washington Post*, March 12, 1994.

Good News

Despite the many negative developments since the late 1980s, there are at least three reasons for optimism about the position of Muslims in India. First, despite their deep reservations about the status of Muslim personal law and their occasional worries about Muslims' loyalty to the state, most of the Indian population is firmly opposed to highly discriminatory policies toward Muslims. Second, India has relatively strong judicial institutions and a thriving civil society that checks the actions of Hindu nationalist politicians and will eventually prevent the widespread misuse of acts such as POTA. Third, trends in state-level political competition since 1980 are likely to increase the pivotal value of Muslim votes in state politics, which will increase politicians' attempts to offer Muslims security, as well as better economic opportunities.

Public Opinion Does Not Support Aggressive Anti-Minority Actions

One reason for optimism about the future of India's Muslims is that the electoral success of the BJP in recent decades does not represent any great rise in popularity in India of the idea of a Hindu state, which has never gained the support of more than 30 percent of the population in opinion polls. In fact, the BJP has only been able to do as well as it has electorally by (a) paying more attention to caste and distributive issues, which most voters consistently rank in opinion polls as more important to their voting choice than religious issues, and (b) allying with regional parties, some of which (like the Trinamool Congress in West Bengal and the TDP in Andhra Pradesh) themselves rely on minority votes.[30] Consistently throughout the 1990s, opinion polls found that around two-thirds of the Indian population rejected aggressively pursuing an anti-minority agenda by demolishing mosques on "disputed" sites or legally banning Muslim participation in the army or security forces. For example, a March 1993 poll of 1,300 voters in seven major cities found 73 percent opposed to the demolition of "disputed" mosques in Mathura and Varanasi. Some 62 percent of voters were opposed to a Hindu state: the highest level of support for a Hindu Rashtra was in Bombay (not Mumbai) (45 percent), and the highest level of opposition to it was in the south, with 80 percent of voters in Madras (now Chennai) opposed.[31] A 1996 Gallup poll found that there was "relatively little support for Hindu nationalists who wish to recast the country's legal and political institutions along less secular lines." When asked their opinion of "people who say this country's laws should give preference to the Hindu religion over other religions," only 26 percent said they tended to

approve of such persons, while 45 percent—the fourth highest for any item—expressed disapproval."[32] Finally, as we can see in table 8.1, only a minority of Hindus (13–20 percent) support widespread employment discrimination against Muslims in private or state employment.

Strength of India's Institutions and Civil Society

A second reason why we should be optimistic about the future of Muslims in India is the relative strength of two important checks—the judiciary and civil society—on Hindu nationalists' tendency to use their control of the national and state administrations to increase communal tensions and discriminate against Muslims. India's supreme court and high courts have regularly taken actions against state and national governments found to be abusing the legal process to take action against minorities. In 2003, for example, the supreme court essentially blocked the Hindu right's campaign to build a major religious site next to the destroyed Babri Masjid at Ayodhya. The court prevented the national BJP government from giving sixty-seven acres next to the site of the destroyed mosque to the Hindu nationalist Ram Janmbhoomi Nyas so that organization could carry out religious ceremonies and (possibly) build a temple on the site.[33] Other government institutions, such as the National Human Rights Commission, have also restrained the executive branch; for instance, in 2003, the commission came out strongly against the lack of safeguards in the POTA legislation.[34]

India is also blessed with a very active civil society. It has a robust free press, and many major newspapers sharply criticize governments for their actions against minorities. There are also a large number of NGOs with both the will and the capacity to uncover the facts about anti-minority actions and, on occasion, to launch public-interest litigation against measures that are used to discriminate against Muslims.[35] For example, in April 2003, the People's Union for Civil Liberties sought a judgment from the supreme court quashing POTA on the grounds that many of its provisions (particularly those on the admissibility of evidence obtained by policemen while the accused were in custody) were unconstitutional infringements to legal due process.[36]

Political Incentives for Moderation

India's twenty-eight state governments control all local law enforcement and local administration, and they have day-to-day responsibility for most of the major issues that affect minorities, such as education and minority language rights. So, ultimately, the security of Muslims in India is determined largely by

the actions of these state governments. What, then, determines whether state governments will take measures to help or hurt their Muslim minorities? In my book *Votes and Violence*, I make the argument that state governments will protect minorities—and may also take measures to improve their economic position—where either of two conditions applies: (1) there is a high number of political parties competing for power, which makes Muslim votes increasingly important (because even if a party does not rely on Muslim votes today, it may have to form an alliance with a party that does tomorrow); or (2) the party in power relies directly on significant minority support (figure 8.1).

Empirically, I demonstrate in my book—using statistical analysis of thirty years of data on elections and violence, as well as case studies and interviews—that these two factors explain most of the variation in state levels of Hindu-Muslim violence. For one example here, consider what happened during the 2002 violence in Gujarat and elsewhere in India. Figure 8.2 shows data that I collected from Indian press reports during the Gujarat violence (March 27 to April 30, 2002). Reported "precipitating events" of the kind that normally spark off mass violence, such as Hindu nationalist processions, organized attacks on individual members of the other community, demonstrations, forcible attempts

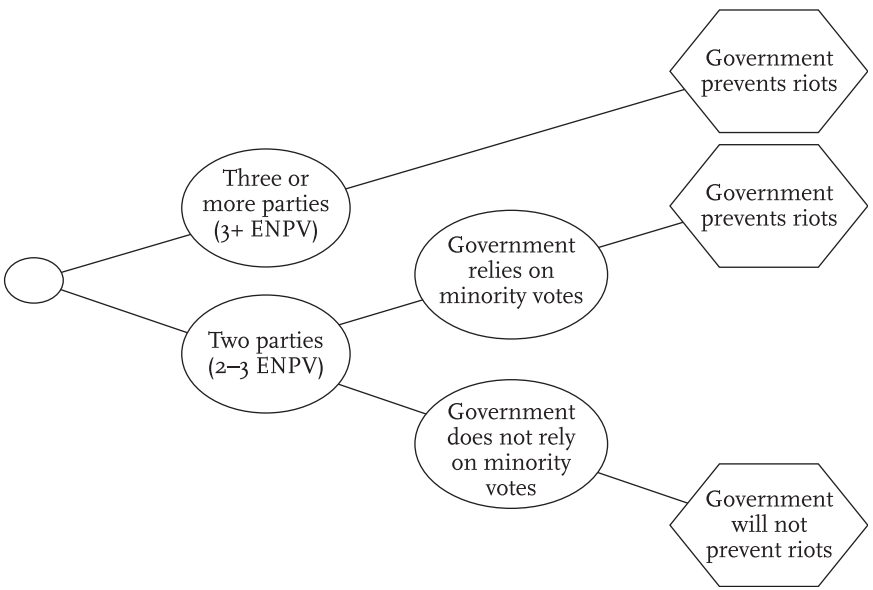
Government prevents riots
Three or more parties (3+ ENPV)
Government prevents riots
Government relies on minority votes
Two parties (2–3 ENPV)
Government does not rely on minority votes
Government will not prevent riots

FIGURE 8.1. Link between electoral competition and minority protection. ENPV, effective number of parties (votes). *Source:* Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (New York: Cambridge University Press, 2004). Reproduced by permission of Cambridge University Press.

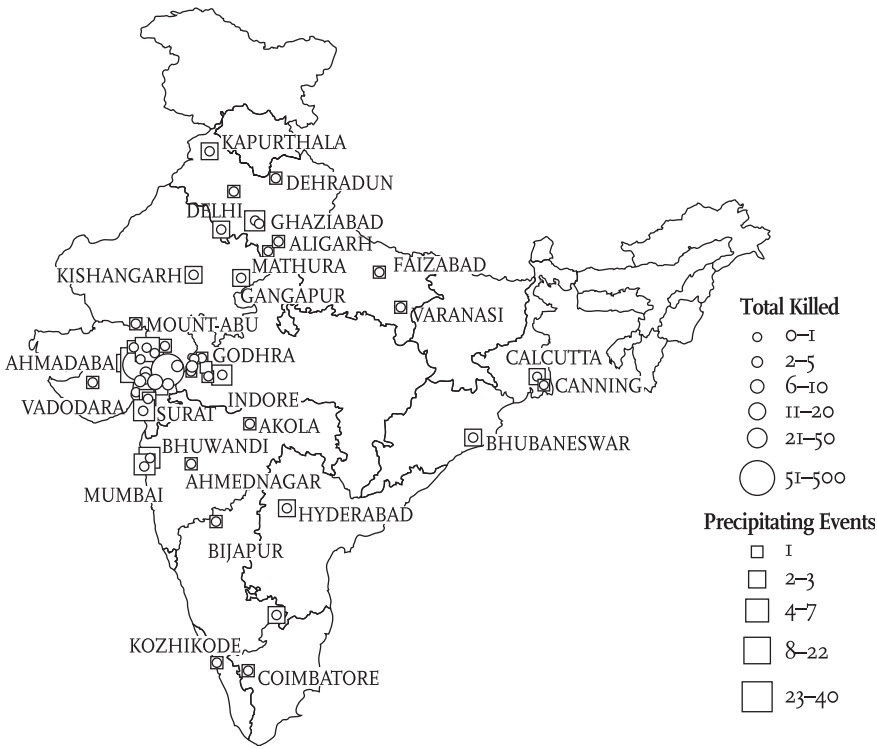

FIGURE 8.2. Number of persons killed and injured and number of precipitating events during the Gujarat violence (March 27 to April 30, 2002). Data collected from Indian press reports. *Source:* Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (New York: Cambridge University Press, 2004). Reproduced by permission of Cambridge University Press.

to get Muslim shopkeepers to close their shops as part of a Hindu nationalist "strike," or attacks on property belonging to the other community, are shown along with the number of total casualties (deaths and injuries) reported in each town from February to April 2002 as a result of these precipitating events. It is striking that large-scale attempts to heighten tensions and cause violence occurred throughout India in 2002, not just in Gujarat, many of them in "riot-prone" cities that had a long history of violence, such as Indore, Hyderabad, Aligarh, Bhopal, and Calcutta. Despite these attempts to foment trouble throughout India, however, only one state—Gujarat—actually experienced large numbers of casualties.

The immediate reasons for the differences between Gujarat and other states are not hard to uncover. The short answer is that, as Human Rights Watch and others have conclusively demonstrated, the Hindu nationalist state

BJP government in Gujarat facilitated the violence against Muslims through sins of omission and commission—for example, by refusing to fire on rioters and transferring officers who took strong actions against Hindu nationalists involved in rioting—while governments in other states took many steps to prevent violence from breaking out in their major cities.[37] The West Bengal government, for instance, ordered police to fire on Hindu nationalist demonstrators near Calcutta when they refused to disperse. In Madhya Pradesh and Rajasthan, two states right next to Gujarat, the state governments carried out thousands of preventive arrests and enforced curfews in sensitive towns and districts; in Rajasthan, the police were prepared to use deadly force against rioters when these measures were not enough. Similar stories could be told about Andhra Pradesh, Karnataka, and elsewhere.

My research shows that the underlying causes of these different patterns of state action are electoral. Where states were either very competitive (with what political scientists refer to as a high number of "effective parties") or in which the main party in power relied on minority support, then the states prevented violence.[38] Where these conditions were absent, as in Gujarat (and no other state), the state acted in a highly biased manner. Figure 8.3 shows the levels of party competition that I calculated for each state in 2002, as well as the violence that actually took place, indicating localities where there were no reported casualties and where there were varying numbers of dead and injured. At low levels of party competition with only around three effective parties in a state, things depend on which party is in power: the one with a multiethnic coalition that relies on Muslim support, or the one that has no minority support and that stands to gain from Hindu-Muslim polarization.

There were four low-competition states in 2002 (Gujarat with 2.97 effective parties, Andhra Pradesh with 2.78, Madhya Pradesh with 3.09, and Rajasthan with 3.19). In Gujarat, the BJP state government is basically in a two-party system with the Congress Party (the effective number of parties is 2.97 because close to 20 percent of the vote is shared among many small parties), and, according to exit polls, it has zero percent of the Muslim vote in the state. As the general electoral argument would have predicted, it acted in a very biased way: officers who prevented anti-Muslim attacks, suspended negligent officials, or tried to register criminal cases against BJP, Rashtriya Swayamsevak Sangh, or Vishwa Hindu Parishad members who were inciting riots were transferred from their posts almost immediately. For example, the deputy commissioner of police in Ahmedabad city, P. B. Godhia, was transferred for registering a case against a local BJP member of the state assembly (Jaydeep Patel), while the superintendent of police in the town of Bhavnagar was transferred after he ordered his men to fire on a Hindu nationalist mob attacking

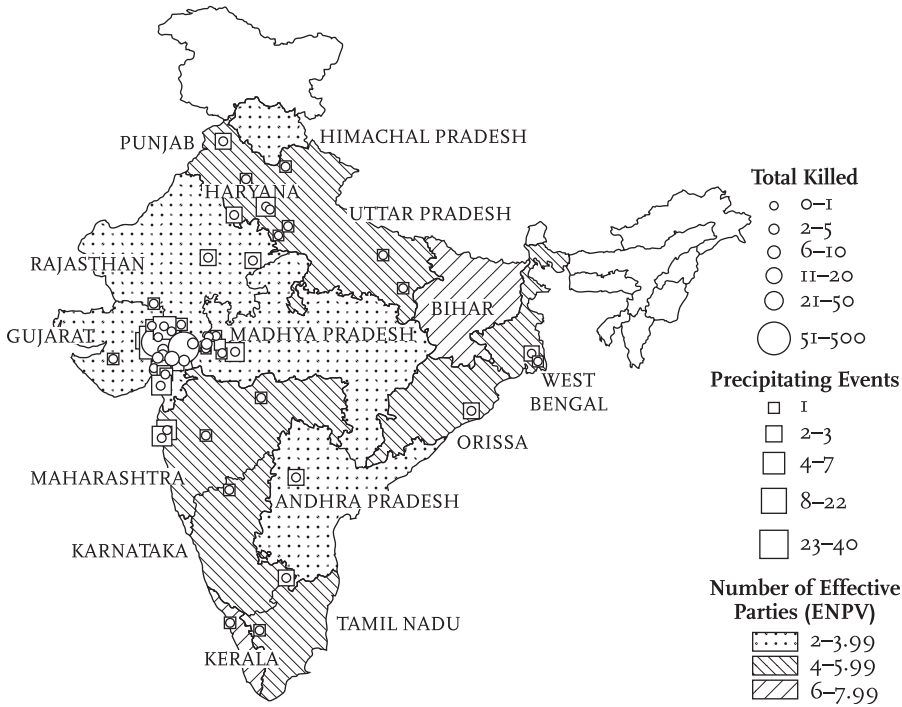

FIGURE 8.3. Levels of party competition and violence in Gujarat, indicating areas where there were no reported casualties and where there were varying numbers of dead and injured. Data collected from Indian press reports and recalculated. *Source:* Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (New York: Cambridge University Press, 2004). Reproduced by permission of Cambridge University Press.

a madrasa, an action that resulted in four rioters being killed and the rescue of 400 people from inside the madrasa.

In the remaining low-competition states, however, the parties in power all relied heavily on Muslim votes. (Opinion polls show that in Andhra Pradesh, the ruling TDP had 30–50 percent of Muslim support, and the main opposition party also sought Muslim votes; in Rajasthan, the ruling Congress Party had 92 percent of the Muslim vote, and in Madhya Pradesh, the Congress Party had 97 percent of Muslim support.)[39] These state governments acted as we would expect: with determination to prevent anti-Muslim violence that might break up the multiethnic coalitions that keep them in power. They used arrests and curfews to try to prevent violence from breaking out in the first place, and then they were prepared to use deadly force if necessary to stop riots if they did break out.

At higher levels of party competition, as my general electoral explanation predicts, governments also did very well in preventing violence, not just in states where middle-caste and lower-caste parties with substantial Muslim support were in power (such as Bihar), but even in the state of Orissa, where the ruling coalition included the BJP. Orissa had 4.26 effective parties, with Biju Janata Dal and BJP in a coalition supported by only 16 percent of Muslims, if we believe polls, but this coalition government still did well in preventing violence, using force to break up an attack in Cuttack.[40]

Conclusion

The good news for India, and for India's 130 million Muslims, is that there are several factors likely to restrain any Hindu nationalist attempts to establish a Hindu Rashtra that will turn permanently turn Muslims into second-class citizens. First, opinion polls consistently show that over two-thirds of Indians reject this option, and that Indians are committed to religious pluralism. Second, India's strong legal institutions and civil society impose real restraints on politicians' ability to target minorities in order to stay in power. Third, a broad increase in electoral volatility and competitiveness since the early 1980s is working in Muslims' favor, because a higher level of party competition leads to more competition for Muslims' votes. The increase in political competition in Indian states has had good effects— not just on the country's level of violence, as Hindu politicians offer security to Muslims in exchange for political support, but also on Muslims' economic prospects. In the south, which has historically been much more politically competitive than the north, Muslims have long benefited from reserved places in public employment, as well as educational institutions. In recent years, as politics in the north of India has also become more competitive, we are beginning to see politicians there also offer Muslims not just physical protection but reserved places in government employment and educational institutions as well. In the long term, it is these improvements in Muslims' educational and economic outcomes that may prove to be the most significant developments in the next twenty years.

NOTES

1. For an analysis of this 2004 election result, see Steven I. Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (Cambridge: Cambridge University Press, 2004).

2. Arend Lijphart "The Puzzle of Indian Democracy: A Consociational Interpretation," *American Political Science Review* 90:2 (1996), pp. 258–68.

3. For extensive documentation, see Steven I. Wilkinson, "India, Consociational Theory and Ethnic Violence," *Asian Survey* (2000), pp. 767–91.

4. Mushirul Hasan, *Legacy of a Divided Nation: India's Muslims since Independence* (Boulder, Colo.: Westview, 1997); and A. R. Saiyed, "Changing Urban Ethos: Some Reflections on Hindu-Muslim riots," in K. S. Shukla, ed., *Collective Violence: Genesis and Response* (New Delhi: Indian Institute of Public Administration, 1988), pp. 97–119. For extensive documentation on the community's economic and educational backwardness, and their low levels of representation in government service, see Syed Shahabuddin's journal *Muslim India*, which provides invaluable data culled from state and central reports and debates from 1983 to 2004.

5. Although Muslims supported a diverse range of political parties when genuine provincial elections were first introduced in India in 1936, by the 1946 elections about 14 percent of Muslims who could vote overwhelmingly supported the Muslim League. In 1946, the league won all thirty Muslim seats for the Central Assembly and 428 of the 492 seats reserved for Muslims at the provincial level (Ian Stephens, *Pakistan*, 3rd ed. [London: Ernest Benn, 1967], p. 138).

6. The best exploration of the dilemma of the post-independence Muslim minority is in M. S. Sathya's 1973 film, *Garam Hava* (Hot Wind), which examines the economic and emotional breakdown of a once-prosperous Muslim family in post-1947 north India.

7. Iqbal Masud, *Dream Merchants, Politicians and Partition: Memoirs of an Indian Muslim* (New Delhi: HarperCollins, 1997), p. 48.

8. *Pioneer*, October 6, 1947, and November 5, 1947.

9. *Pioneer*, October 15, 16, 1947.

10. Wilkinson, *Votes and Violence*, p. 119.

11. *Pioneer*, November 5, 1947.

12. In Uttar Pradesh, half a million Muslims, 7 percent of the state's Muslim population, emigrated to Pakistan between 1947 and 1951. These Muslims were overwhelmingly from urban areas (*Census of Pakistan 1951*, Vol. 1: *Reports and Tables* (Karachi: Government Press, no date), p. 31, sections 19/1–19/2.

13. *Pakistan Constituency Assembly Debates*, 1952, Session 10, 2:1, November 12, 1952, p. 67.

14. For figures on this exclusion, see Wilkinson, *Votes and Violence*, pp. 108–23.

15. Wilkinson, *Votes and Violence*, pp. 122–23.

16. *India, Legislative Assembly Debates*, March 12, 1947, pp. 174–250.

17. Hasan, *Legacies of a Divided Nation*, table 8.6, gives data showing Muslim representation at 2.99 percent in the elite Indian Administrative Service, 2.85 percent in the Income Tax Department, and 3.06 percent in the Railway Service (p. 282).

18. The same applies to the Indian Foreign Service: according to a knowledgeable Washington insider, there was no Muslim listed among the directory of the large staff of the Indian embassy in Washington, D.C., in 2003.

19. Interviews with police officials in charge of post-partition recruitment, Uttar Pradesh, August 1995.

20. Wilkinson, *Votes and Violence*, p. 111. The police minister concerned, Lal Bahadur Shastri, later became prime minister after Nehru's death in 1964.

21. Wilkinson, *Votes and Violence*, p. 112.

22. Uttar Pradesh State Archives (Lucknow), Box 957, GAD File 49H/1958. Inquiry made by the Government of India about the employment of members of the minority communities. Bihar data from Sharif al-Mujahid, *Indian Secularism: A Case Study of the Muslim Minority* (Karachi: University of Karachi Press, 1970), pp. 153–59.

23. Hasan, *Legacies of a Divided Nation*, p. 281.

24. Ibid., pp. 282–84.

25. Ibid., pp. 293–94.

26. Ashgar Ali Engineer, ed., *The Shah Bano Controversy* (London: Sangam, 1987), is a collection of most of the relevant court, press, and political documents.

27. Current Congress Party President Sonia Gandhi's usual stance on Ayodhya is to avoid taking a stance. She typically argues that she respects whatever judgment the courts will hand down "They said Demolish the Babri Mosque," *Outlook India*, June 23, 2003, pp. 25–28).

28. *Outlook India*, September 8, 2003, pp. 32–40.

29. "What Lies Beneath," *Outlook India*, April 14, 2003, pp. 18–19.

30. A massive India-Marg poll in 1996 found that most Indians ranked the need to address poverty (42 percent), unemployment (22 percent), and corruption (16 percent) as the most important issues influencing their votes (*India Today*, June 30, 1996, pp. 28–31.

31. "The Week-MODE Opinion Poll," *Muslim India* 123, March 1993, pp. 106–107.

32. Gallup 1996 Poll Announcement.

33. "What Lies Beneath," *Outlook India*, April 14, 2003, pp. 18–19.

34. "National Convention on POTA," *People's Union for Civil Liberties Bulletin* (June 2003), available at http://www.pucl.org/Topics/Law/2003/poto-convention.htm (accessed June 6th 2007).

35. For example, reports of the People's Union for Civil Liberties agitation against POTA, at ibid.

36. Ibid.

37. " 'We Have No Orders to Save You': State Participation and Complicity in Communal Violence in Gujarat," *Human Rights Watch* 14:3(C) (April 2002). For details of state actions to prevent violence elsewhere, see Wilkinson "Putting Gujarat in Perspective," *Economic and Political Weekly* (April 27 2002), pp. 1579–83.

38. In many Indian states, there are literally dozens of parties that compete in elections, though usually only a handful of these are serious competitors. The "effective number of parties" measure gives a greater weight to more successful parties, in order to provide a better indication of the real level of electoral competition than if we were to simply count the total number of parties standing in a state in an election. The formula for the effective number of parties (votes) is: $ENPV = 1/(vi2$ (where *vi* is the *vote share* of the *i*th party).

39. Source for data on Madhya Pradesh, Andhra Pradesh and Rajasthan is a survey by the Center for Studies in Developing Societies, reported in *Frontline* 16:23 (November 6–19, 1999). Available at: http://www.lokniti.org/publications_chronologicallybyyear.htm (accessed June 7, 2007).

40. Orissa polling data from Oliver Heath "an Unequal Alliance in Orissa,", *Frontline*17:7 (April 1–14, 2000). Available at: http://www.lokniti.org/publications_chronologicallybyyear.htm (accessed June 7, 2007).